



ETHICS

A publication by the Miami-Dade County Commission on Ethics & Public Trust

www.miamidade.gov/ethics

"ETHICS IS GOOD BUSINESS"

Agency est. 1997

Welcome to the fifth edition of ETHICS BEAT, our annual newsletter. This newsletter provides community news, information about our activities and programs, and reports on the efforts of those promoting ethics, accountability and integrity in government. Should you have information of an ethical nature or other interesting news from your community or organization, we'd like to know. Fax it to us at (305) 579-0273, Attn: Ethics Beat.

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Esq., Chairman
Judge Robert H. Newman, Vice Chairman
Dawn Addy
Gail Dotson
Brenda Rivera

REQUEST A SPEAKER

DIAL

(305) 350-0630



Executive Director's Corner – The 2004 elections for countywide office in Miami-Dade produced a changing of the guard in the Office of the County Mayor and on the Board of County Commissioners. The open seat for County Mayor generated much interest, and with no clear frontrunner, an initial slate of a dozen candidates ran for this office. Similarly, two of the seats on the County Commission were vacated: one due to retirement and the other on account of a resignation to enable the sitting commissioner to run for County Mayor. With such crowded fields for the open seats, run-off elections were necessary to determine the results in all three races. The campaigns were spirited and competitive, to say the least, but one of the lingering questions remaining is the impact that partial public funding of these campaigns had on our elections. In total, five of the twelve candidates who sought to become the next mayor of Miami-Dade County qualified for and received public funding for their campaigns. In fact, of those garnering the most votes in the mayoral primary, five of the six were recipients of Election Trust Fund dollars and both of the candidates advancing to the run-off election were beneficiaries of public funding for their campaigns. In the County Commission races, public money, in the form of disbursements from the Trust Fund, may have made a difference as well. One seat was won by a candidate who did not seek funding from the Trust Fund; however, in the other open-seat contest, both of the candidates in the run-off utilized Trust Fund dollars. Those supporting public financing of campaigns claim that the availability of these resources may reduce the inherent advantage that incumbents tend to enjoy, bring about more competitive elections and enable all candidates to do a better job of getting their message out.

Robert Meyers, Executive Director

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Executive Director's Corner (from page 1) Of course, there are the critics who do not believe that government money should be spent on subsidizing candidates and public financing may actually drive up the cost of elections. It's too early to tell what lessons we have learned from our local elections in 2004, but there are a few undisputed facts worth presenting. The County spent in excess of \$2.5 million from its General Fund for candidates who qualified for money under the County's Election Campaign Financing Trust Fund Ordinance, at least two of the candidates, or members of the campaign staff, who were deemed certified to receive County Trust Fund monies may have done so fraudulently, and the Ethics Commission is responsible for conducting all of the post elections audits, a monumental undertaking considering that eleven audits will have to be performed. Finally, there is a movement afoot by some County Commissioners to take a serious look at this ordinance, and although it is too early to predict the demise of public financing of elections in Miami-Dade County, the current ordinance is likely to undergo major revisions.

Featured Ethics Commissioner – Gail Ash Dotson, Ethics Commissioner

Gail A. Dotson was appointed in December 2001 by Chief Judge Joseph P. Farina of the Eleventh Circuit. Currently, Ms. Dotson is an attorney with the law firm of Wagenfeld Levine where her practice consists primarily of workers' compensation. Previously, Ms. Dotson was the Assistant Dean in the Career Planning and Placement Department of Florida International University College of Law. Ms. Dotson also served as the Director of Law Development and Alumni Relations at the University of Miami School of Law. A graduate of the University of Miami School of Law, Ms. Dotson was formerly an associate attorney with Fowler, White, Burnett, Hurley, Banick & Strickroot, P.A., and an assistant attorney in the Miami-Dade County Attorney's Office, where her focus was in administrative advocacy and commercial litigation. She is a member of the Florida Association of Women Lawyers, Delta Sigma Theta Sorority and a graduate of Leadership Miami, Class of 1987. In addition to her law degree, Ms. Dotson holds a Bachelor of Science degree from Florida A & M University and a Master's in Business Administration from Nova Southeastern University.

Featured Advisory Opinion – In RQO 04-165, the travel coordinator for the County sought an advisory opinion regarding the use of frequent flyer miles by County employees, consultants, and job applicants. Because the Code of Ethics does not generally apply to County consultants and job applicants, the Commission's opinion was limited to County employees. The opinion was governed by the Code of Ethics, Section (e) "gifts." Employees traveling on official County business sometimes pay for travel expenses with their personal credit cards. As a result, they may earn frequent flyer miles, assigned to them personally, and not transferable to the County. Because the miles have an economic value for which the employee has not paid lawful and adequate consideration, they are gifts, as defined by Section (e) of the Code.

Featured Advisory Opinion (from page 2) The Commission opined that an employee who pays for County-related travel expenses with a personal credit card may use the frequent flyer miles he or she acquires, but the employee may not convert or sell the miles for cash. Additionally, if the value of the miles exceeds \$100 during any quarter, the employee must disclose the miles as a gift. This opinion is in keeping with federal law, which permits federal employees under similar circumstances to retain frequent flyer miles. Additionally, the IRS does not tax frequent flyer miles unless the miles are converted into cash or used for other purposes.

Upcoming Events

2005 Media Ethics Conference – This is part of our annual commitment to sponsor a conference examining the important ethical issues of the day. In the Spring of 2005, a regional conference on Ethics and the Media will bring together print and broadcast journalists and leading media scholars to discuss the ethical considerations and challenges media investigate, report and cover. The conference will be open to all who are interested. Nominal registration fee will apply. Please visit our website www.miamidade.gov/ethics in January for further details.

2005 Conference on Leadership in Civil Discourse - Miami-Dade County, Commission on Ethics and Public Trust and the Community Relations Board will sponsor a one day conference “Civility and the Public.” Details to follow.

Fourth Annual Environmental Ethics Conference – The 4th Annual Florida Environmental Ethics Conference is set for Friday, February 11, 2005, at the Broward Center for the Performing Arts in downtown Fort Lauderdale. Keynote speaker Richard Pettigrew, former Speaker of Florida’s House of Representatives and former chair of Audubon of Florida, will address the responsibilities, challenges, and opportunities of living on the edge of a fragile ecosystem.

Publications

2004 Annual Report. The Commission on Ethics and Public Trust will release its 2004 Annual Report in February 2005. Once released, the annual report can be viewed on our website at www.miamidade.gov. For a copy of the report, contact our office at (305) 579-2594.

2004 Corruption Report. In 2002, under the direction of the Miami-Dade County Commission on Ethics and Public Trust, a group of academics, civic and business associations and law enforcement officials, collectively known as the “Ethics Coalition,” met to discuss local ethics and anti-corruption efforts. The Ethics Coalition released a report entitled “A Community’s Resolve to Restore Accountability, Integrity and Public Trust: The Miami Dade Experience (1996-Present).” The report can be read on our website at www.miamidade.gov/ethics.

The Conflict of Interest and Code of Ethics Ordinance (as amended through December 2004).



To report unethical conduct & abuses in local government, please call the Ethics **HOTLINE** at (305) 579-9093. For more information visit our website at www.miamidade.gov.

CONFERENCES, SEMINARS, WORKSHOPS & EVENTS (2005)

BUSINESS FOR ETHICAL AND ACCOUNTABLE MANAGEMENT (BEAM) Business for Ethical and Accountable Management is an ethics education and training program for companies doing business with local government. It is designed to increase a company's understanding about best business practices and the ethics rules as they relate to contracting with local government. The program is interactive, engaging and comprehensive. Topics include Conflicts of Interest, Lobbying, Procurement Matters, Best Business Practices and Ethical Decision-Making. In 2004, numerous legislative changes were also adopted into law. BEAM is designed to provide information and maintain awareness about the high ethical standards not only for those who work in government, but for those who do business with government. Ethical business management is effective business management. Details to follow.

PROCUREMENT ETHICS WORKSHOPS The Miami-Dade County Ethics Commission, The State Attorney's Office (Public Corruption Unit), Department of Procurement Management (DPM) and Florida International University will conduct *a series of procurement ethics workshops* for procurement staff. Pursuant to Resolution 769-03, all county staff involved in the procurement process are required to attend annual training on *ethics* and the *avoidance of conflicts of interest*. Stay tuned for further details or visit our website at www.miamidade.gov/ethics.

ADVISORY BOARDS/COMMUNITY COUNCILS WORKSHOPS The Miami-Dade Commission on Ethics and Public Trust will conduct a series of workshops for advisory boards and community council members in Miami-Dade County. In 2003, sessions were held at the Joseph Caleb Center, the South Miami City Hall Library, South Dade Government Center and South Miami Commission Chambers. Location, date and time to be determined.

DID YOU KNOW? Prohibition on acceptance of travel expenses from county vendors. Under Section (w) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, notwithstanding any other provision of this section, no person included in subsections (b)(1)(Mayor and Commissioners), (b)(5)(departmental personnel) or (b)(6) (employees) shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer. The Board of County Commissioners may waive the requirements of this subsection by a majority vote of the Commission. The provisions of this subsection (w) shall not apply to travel expenses paid by other governmental entities or by organizations of which the County is a member if the travel is related to that membership.

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ETHICS PRESENTATIONS. Do you need an ethics presentation for newly elected officials in your municipality? Contact our office at (305) 350-0630 or visit our website www.miamidade.gov/ethics (see request a speaker).

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